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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,778	03/01/2002	Dan Kikinis	112347.00158	8802
52940	7590	06/15/2007		
HOLLAND & KNIGHT LLP Attn: Stefan Stein/IP Dept 131 S. DEARBORN STREET 30TH FLOOR CHICAGO, IL 60603			EXAMINER PENG, FRED H	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 06/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/087,778

Applicant(s)

KIKINIS, DAN

Examiner

Fred Peng

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 10-15, 17-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 10-15, 17-21 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-4, 7, 10-15, 17-21 and 23 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7, 10-15, 17-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsen (US 2002/0013950 A1) in view of Lin et al (US 6,381,748 B1).

Regarding Claims 1, 12, 19 and 23, Tomsen discloses a system (FIG.1), an apparatus (FIG.1, 152) with corresponding method and machine-readable medium comprising:

a video presentation device (FIG.1, -154), the video presentation device capable of displaying a live video presentation; and

a processor having a memory coupled thereto (FIG.1, -152; set top box including a processor coupled with memory), the memory having stored thereon executable instructions which, when executed by the processor, cause the processor

automatically storing for later use a frame of a live video presentation when the number of interactive links associated with the frame of a live video presentation is greater than the number of interactive links which can be reviewed and accessed by a user in real-time (FIG.4; FIG.10, 1010, 1012, 1014, Para 53; when the user chooses to defer the transaction; the content with the links is automatically stored);

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displaying the automatically stored frame of a live video presentation (FIG.10, 1016, 1018, Para 55 lines 1-6);

maintaining the display of the automatically stored frame of a live video presentation, the automatically stored frame having associated therewith at least one interactive link (FIG.10, 1018, Para 55 lines 4-6); and

maintaining access to the at least one interactive link associated with the automatically stored frame such that a user may review and access the at least one interactive link (FIG.10, 1020; Para 15-18).

Tomsen fail to disclose computing the number of interactive links associated with a frame of a live video presentation.

In an analogous art, Lin discloses computing the number of interactive links associated with a frame of a live video presentation (FIG.7 –714; FIG.8; Col 6 lines 12-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tomsen's system to include computing the number of interactive links associated with a frame of a live video presentation, as taught by Lin to provide more convenient and easier way to keep track of the interactive links.

Regarding Claims 2-3, 13-14 and 20, Tomsen further discloses a control device (FIG.1, 158), the control device having an activation mechanism to initiate execution of the executable instructions and the user action is depressing an activation button on a control device (FIG.10, 1016; Para 55 lines 1-3; Para 43 lines 13-21).

Regarding Claims 4, 10, 15 and 21, Tomsen further discloses depressing a deactivation button to stop displaying the automatically stored frame of a live video presentation and return to the live video presentation (FIG.10, Para 40 lines 3-9; the user can abort the transaction and return to the program).

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Regarding Claims 7 and 17, Tomsen discloses automatically interrupting a frame buffer when the number of interactive links associated with the frame of a live video presentation is greater than the number of interactive links which can be reviewed and accessed by a user in real-time such that a live video presentation is interrupted and a display of a frame of the video presentation is maintained, the frame having associated therewith at least one interactive link (FIG.5, Para 39 lines 1-5; when an enhanced content is stopped, a frame buffer is interrupted); and

automatically interrupting an interactive link stream when the number of interactive links associated with the frame of a live video presentation is greater than the number of interactive links which can be reviewed and accessed to by a user in real-time such that access to the at least one interactive link associated with the frame is maintained (Para 39 lines 5-13; interactive link stream is interrupted when Buy now is selected).

Tomsen fail to disclose computing the number of interactive links associated with a frame of a live video presentation (FIG.7 –714; FIG.8; Col 6 lines 12-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tomsen's system to include computing the number of interactive links associated with a frame of a live video presentation, as taught by Lin to provide more convenient and easier way to keep track of the interactive links.

Regarding Claims 11 and 18, Tomsen further discloses the frame and the at least one interactive link are stored for later use such that access to the at least one interactive link is maintained (Para 56 lines 1-4).

### **Conclusion**

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 08:30-18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng  
Patent Examiner

  
Scott Beliveau  
Primary Patent Examiner